IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 28017 of 2004(I)

{O.S.NO.581/2003 OF THE MUNSIFF'S COURT, CHITTUR}

.....

PETITIONER:

SARAMMA JOHN, W/O.THOMAS M.MUTHUNNI,
PRAKASH BHAVAN, NENMARA,
NEAD GBHS, NENMARA
VILALGE, CHITTUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS:

---

1. THE DISTRICT COLLECTOR, PALAKKAD.

2. THE TAHSILDAR, CHITTUR TALUK,
PALAKKAD DISTRIC.T.

3. THE VILALGE OFFICER,
THIRUVAZHIYOD VILLAGE,
CHITTUR TALUK, PALAKKAD DISTRICT.

4. V.RAHAN, S/O.A.V.VISHWANATHAN,
ARIPPARA HOUSE,
THIRUVAZHIYODE AYLUR NENMARA,
CHITTUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.P.R.VENKETESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF THE SALE DEED 14/94 ON THE FILE OF NENMARA SRO. DT. 27.12.93.

EXT.P2: TRUE COPY OF THE SALE DEED 2024/94 ON THE FILE OF NENMARA SRO. DT. 30.9.94.

EXT.P3: TRUE COPY OF THE PLAINT IN OS 581/03 ON THE FILE OF MUNSIFF'S COURT, CHITTUR, DT. 10.11.03.

EXT.P4: TRUE COPY OF WRITTEN STATEMENT IN OS 581/03 ON THE FILE OF THE MUNSIFF'S COURT, CHITTUR DT. 3.1.04.

EXT.P5: TRUE COPY OF IA 1724/04 IN OS 581/03 ON THE FILE OF THE MUNSIFF'S COURT, CHITTUR DT. 18.8.04

EXT.P6: TRUE COPY OF THE COUNTER STATEMENT DT. 1.9.04.

EXT.P7: TRUE COPY OF THE ORDER DT. 16.9.04 PASSED IN IA 1724/04 IN OS 581/03 ON THE FILE OF MUNSIFF'S COURT, CHITTUR.

RESPONDENTS' EXHIBITS: NIL

//true copy//

PS to Judge

K.A.ABDUL GAFOOR, J.

W.P.(C).No.28017 of 2004 - I

Dated this the 24th day of January, 2007.

JUDGMENT

Abdul Gafoor, J.

Ext.P7 is under challenge in this writ petition. By Ext.P7, the trial court impleaded the 4th respondent as an additional defendant in the suit initiated by the petitioner. The suit was occasioned because the revenue authorities - respondents 1 to 3, initiated land conservancy proceedings against the petitioner/plaintiff. That was at the instance of the 4th respondent, who complained that the petitioner/plaintiff was encroaching into the public way leading to his properties. Therefore, he cannot be stated to be a stranger to the proceedings and necessarily, he is entitled to

be impleaded. The petitioner cannot contend that the 4th respondent shall be kept away from the proceedings, in the nature of the dispute in the suit.

Writ petition fails, dismissed.

Sd/-
(K.A.ABDUL GAFOOR)
JUDGE

sk/

//true copy//

K.A.ABDUL GAFOOR, J.

W.P.(C).No.28017 of 2004- I

JUDGMENT

24th January, 2007.